

09/877,835

2

P-5686U1-C1-1

IN THE CLAIMS

Please amend claim 3 as follows:

Sub 1
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3. (AMENDED) The golf ball of claim 1 wherein said thermoset material comprises a material selected from the group consisting of (i) a diene-containing polymer, (ii) a metallocene catalyzed polyolefin that is cross-linked, (iii) a polyurethane, (iv) a silicone, (v) a polyamide, (vi) a polyurea, and (vii) combinations thereof.

REMARKS

Reconsideration of the present application and entry of the amendment is respectfully requested. Claims 1 to 20 are currently pending, and claim 3 has been amended.

The Office Action mailed July 16, 2002 addressed Claims 1 to 20. Claims 1 to 8, 12 to 17 and 20 were rejected. Applicant assumes that claims 9 to 11, 18 and 19 are allowed since they do not appear to be rejected in the Office Action.

The Examiner stated that the information disclosure statement filed June 8, 2001 fails to comply with the provisions of 37 C.F.R. 1.97, 1.98 and MPEP § 609 because the IDS does not list the patent date and inventors. Applicant respectfully submits that a Substitute IDS complying with the provisions of 37 C.F.R. 1.97, 1.98 and MPEP § 609 was submitted on August 6, 2002.

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that claim 3 recites the limitation "said thermoplastic material" in lines 6 and 7, and there is insufficient basis for this limitation in the claim.

Claim 3 has been amended to delete "said thermoplastic material" and the list of materials following it. Applicant respectfully submits that this overcomes the rejection under 35 U.S.C. § 112, second paragraph. Applicant respectfully requests that the rejection of claim 3 be reconsidered and withdrawn.

09/877,835

3

P-5686U1-C1-1

Claims 1 to 8, 12 to 17 and 20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 7 of U.S. Patent No. 6,213,895 in view of Sullivan et al. (US 6,057,403) and OFFICIAL NOTICE. The Examiner stated that US 6,213,895 discloses the same subject matter except for having both core elements made of thermoset materials. The Examiner further stated that Sullivan et al. discloses a dual core for a golf ball which in conjunction with a multi-layered cover provides enhanced distance, the interior spherical center and core layer may comprise thermoset materials, thermoplastic materials, or a combination of both, and Sullivan et al. discloses a preferred embodiment in which the core is made of the above materials and a core layer is made of a thermoset material. The Examiner concluded that suitable thermoset materials disclosed by Sullivan et al. include the group of butadiene or any natural or synthetic elastomer including metallocene polyolefins, polyurethanes, etc., and it would appear that the use of core components made of thermoset materials instead of thermoplastic materials would have functioned equally as well and would be an equivalent substitution, therefore it would have been obvious to one having ordinary skill in the art being that Sullivan et al. discloses a golf ball made with the same structure and materials.

Although Applicant respectfully disagrees with the Examiner, in an effort to hasten prosecution, Applicant herein submits a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicant respectfully submits that this overcomes the rejection.

Attached hereto is a marked-up version of the changes made to the application by this Amendment. The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

09/877,835

4

P-5686U1-C1-1

CONCLUSION

Applicant respectfully requests reconsideration and allowance of each of the presently rejected claims, claims 1 to 8, 12 to 17 and 20. Applicant respectfully requests allowance of claims 1 to 20, the claims currently pending.

Respectfully submitted,

R. DENNIS NESBITT

Customer No. 24492
Phone: (413) 322-2937

Date: October 10, 2002

By: Michelle Bugbee
Michelle Bugbee, Reg. No. 42,370
Spalding Sports Worldwide
Attorney for Applicants
425 Meadow Street
P.O. Box 901
Chicopee, MA 01021-0901

cc: Richard M. Klein, Esquire (SLDZ 2 0214-3)

09/877,835

5

P-5686U1-C1-1

VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE CLAIMS

Claim 3 has been amended as follows:

3. (AMENDED) The golf ball of claim 1 wherein said thermoset material comprises a material selected from the group consisting of (i) a diene-containing polymer, (ii) a metallocene catalyzed polyolefin that is cross-linked, (iii) a polyurethane, (iv) a silicone, (v) a polyamide, (vi) a polyurea, and (vii) combinations thereof; and said thermoplastic material comprises a material selected from the group consisting of (i) an ionomer, (ii) a polyurethane, (iii) an elastomer, (iv) a polyetheramide, (v) a polyetherester, (vi) a metallocene catalyzed polyolefin, (vii) a styrene butadiene block copolymer, and (viii) combinations thereof].